

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Daniel John DiLorenzo

Serial Number: 10/753,205

Filing Date: January 6, 2004

Title: APPARATUS AND METHOD FOR  
CLOSED-LOOP INTRACRANIAL  
STIMULATION FOR OPTIMAL CONTROL OF  
NEUROLOGICAL DISEASE

Group Art Unit: 3762

Examiner: Scott M. Getzow

**CONFIRMATION NO:** 5641

ELECTRONICALLY FILED ON: February 21, 2006

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.97**

Sir:

Applicant(s) hereby submit(s) an Information Disclosure Statement along with attached form(s) PTO/SB/08A. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

Applicant(s) respectfully request(s) that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicant(s) further request(s) that the Examiner initial and return the attached form(s) PTO/SB/08A in accordance with MPEP §609.

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

A.  37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

(1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);

-- OR --

(2) It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;

-- OR --

(3) It is being filed before the mailing of a first Office action on the merits;

-- OR --

(4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

B.  37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

a statement as specified in §1.97(e) provided concurrently herewith;

-- OR --

a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

C.  37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

i. a statement as specified in §1.97(e);

-- AND --

ii. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

D.  37 CFR §1.97(e). Statement.

A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);

-- AND/OR --

A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);

-- AND/OR --

A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as provided for under MPEP 609.04(b) V.

E.  Statement Under 37 C.F.R. §1.704(d). Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the

requirements of 37 C.F.R. §1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

F.  37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

Copies of each of the references listed on the attached Form PTO/SB/08A are enclosed herewith.

-- OR --

Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08A are NOT enclosed.

-- AND/OR --

Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08A are enclosed in accordance with 37 CFR §1.98 (a)(2).

-- AND/OR --

Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

G.  37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

-- OR --

A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: \_\_\_\_\_

Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

H.  37 CFR §1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are not provided herewith because:

Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120.

Application in which the information was submitted: \_\_\_\_\_

Information Disclosure Statement(s) filed on: \_\_\_\_\_

AND

The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR §1.98.

I.  *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 31685-704.503).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

By:

Thomas Zlogar, Reg. No. 55,760

Dated: February 21, 2006

650 Page Mill Road  
Palo Alto, CA 94304-1050  
(650) 493-9300  
Customer No. 021971

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|--|---|----|---|--------------------------|-----------------------|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(Use as many sheets as necessary)</i> |   |    |   | <b>Complete if Known</b> |                       |
| Substitute for form 1449/PTO   |   |    |   | Application Number       | 10/753,205            |
|  |   |    |   | Filing Date              | January 6, 2004       |
|  |   |    |   | First Named Inventor     | Daniel John DiLorenzo |
|  |   |    |   | Art Unit                 | 3762                  |
|  |   |    |   | Examiner Name            | Scott M. Getzow       |
| Sheet  | 1 | Of | 1 | Attorney Docket Number   |                       |
| 31685-704.503  |   |    |   |                          |                       |

## **U.S. PATENT DOCUMENTS**